



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19819 of 2022

Hariharan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
Crime No.616 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sathesh Kumar B, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.616 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Section 386 IPC and Section 25(1A) of Arms Act, 1959 in Crime No.616 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.10.2022 around 06.00 a.m., when the de-facto complainant was standing in the bus stand, the accused threatened with deadly weapon by demanding money from him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 09.10.2022 and hence, he may be released on bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner is a history sheeted rowdy element and he is having three previous cases including one case under POCSO Act. He would further submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the



charge sheet has already been filed before the concerned Court. The Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Kumbakonam.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

09/11/2022

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09/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.2, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
PATTEESWARAM POLICE STATION, THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SATHESH KUMAR B Advocate SR.No.12719

ORDER IN

CRL OP(MD) No.19819 of 2022

Date :09/11/2022

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